

Commentary

This response represents Applicant's sincere effort to obviate claim indefiniteness and informalities identified by the Examiner. If something is not yet entirely satisfactory to the Examiner, it is not from lack of effort upon behalf of Applicant, who would welcome a further opportunity to set everything right before final action.

With particular regard to the Examiner's rejection of claim 15 for asserted lack of understanding of "distinctive design" Applicant respectfully notes present amendment to the term "patterning"--which appears more than a dozen times in the specification proper (as does "patterned" (while "pattern" appears more than two dozen times).

Applicant submits that there is no reason to make an issue of whether Applicant has illustrated "distinctive" patterning of the claimed headgear, when reference numeral 11 in Fig. 1 designates a "distinctive intermittent pattern" [page 5, lines 12-14]; Figs. 4A and 5A compare by means of gridwork, the distortion of an initially even patterning into a resultant undesirably uneven patterning; and Figs. 5A and 5B illustrate the contrary transition from an initial uneven patterning to even patterning as desired [p. 6, lines 15-28]. Applicant reasonably intended the gridwork to represent spacing of corresponding parts of a distinctive design (as if plotted thereon), considering that preferable to illustrating an arbitrary logo, etc.

The last page [8] of Applicant's specification notes prevalent examples of patterning distinctive of construction crews (company name and/or personal name and/or rank), sports teams (team name, logo), and military attire (personal name, rank, unit) customarily applied to their headgear exterior, as in the form of a decal, etc.

B

Commentary (cont'd)

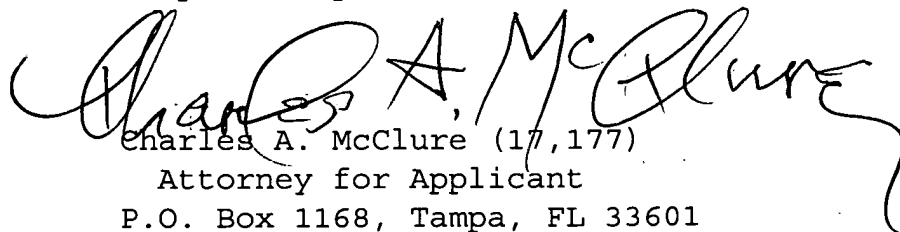
The only cited reference (LUNA) constructs a composite of a half dozen (or so) successive layers, including an all-over layer of light-reflective chips, within a helmet-shaped mold, whereas others noted in the specification are even more sparsely illustrated--such as GENTES: claiming the making of a helmet [never shown] showing only a cover for a pre-existing helmet [itself also never shown].

The Examiner is urged to withdraw any objection/rejection based upon asserted failure to illustrate the claimed subject matter, etc. Alternatively, Applicant requests that the Examiner suggest whatever drawing revision would be acceptable, as being based on Applicant's original specification, but free of introduction of any new matter.

Conclusions

Applicant has undertaken to place this application in condition for allowance and solicits such action plus the further opportunity (if needed) to render acceptable whatever unsatisfactory aspect may remain after entry of the present amendment.

Respectfully submitted,


Charles A. McClure (17,177)
Attorney for Applicant

P.O. Box 1168, Tampa, FL 33601

Date: 2 October 1999

Tel 813-251-1443 Fax 254-6283

REGULAR MAIL CERTIFICATE

The undersigned hereby certifies that this paper is addressed, postage prepaid, to the Commissioner of Patents and Trademarks, Washington, D.C. 20231, and is being mailed thereto on the date last stated above.

